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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MAR - 8 2006

U. S. DISTRICT COURT  
E. DIST. OF MO.  
ST. LOUIS

THE ENTERTAINMENT GROUP, INC., )

Plaintiff, )

vs. )

VARIOUS JOHN DOES, VARIOUS JANE DOES, )  
and ABC COMPANIES, )

Defendants. )

CIVIL ACTION NO.

**4 06CV00433 JCH**

**EX PARTE TEMPORARY RESTRAINING ORDER,  
ORDER FOR SEIZURE AND ORDER TO SHOW CAUSE**

AND NOW, this date, DEFENDANTS VARIOUS JOHN DOES, JANE DOES and ABC COMPANIES, are hereby ORDERED to show cause why a Preliminary and/or Permanent Injunction and Seizure Order should not be entered granting Plaintiff's motion and forever enjoining Defendants from manufacturing, distributing, selling or holding for sale any and all infringing and imitative R. KELLY merchandise and apparel, or any colorable variations thereof, bearing the name, logos, artwork, and/or likeness of R. KELLY, including but not limited to, posters, put-ons, pennants, lighters, buttons, trading cards, programs, illustrated and/or photographic books, games, etched and/or embossed wine and beverage bottles and decanters, t-shirts, jerseys, sweatshirts, hats, other apparel and any and all other items of merchandise; and to show cause why the following Temporary Restraining Order should not be converted to a Preliminary and then a Permanent Injunction;

AND it appearing to the Court that Defendants are about to sell and distribute merchandise and apparel bearing the name, logos, artwork, and/or likeness of R. KELLY,

including but not limited to, including, without limitation, posters, put-ons, pennants, lighters, buttons, trading cards, programs, illustrated and/or photographic books, games, etched and/or embossed wine and beverage bottles and decanters, t-shirts, jerseys, sweatshirts, hats, other apparel and any and all other items of merchandise as set forth in Plaintiff's Complaint and Declarations and will continue to carry out such acts unless temporarily restrained by Order of this Court;

AND it appearing to the Court that immediate and irreparable injury, loss or damage will result to Plaintiff before Defendants can be identified and are given notice and their attorneys, if any, can be heard in opposition to the granting of this Temporary Restraining Order, in that the Defendants are preparing to manufacture, distribute and sell infringing merchandise and apparel bearing the name, logos, artwork and likeness of R. KELLY as set forth in Plaintiff's Complaint, and that unless said Defendants are enjoined from said manufacture, distribution and sale, Plaintiff will suffer immediate and irreparable injury and harm in the form of a loss of income, lessening and dilution of the value of said logos, name, artwork and likeness, interference with Plaintiff's ability to exploit, market and license their merchandising rights, confusion in the marketplace as to the duly authorized source of merchandise, and impairment of the goodwill Plaintiff has in said name, logos, artwork and likeness, IT IS HEREBY

ORDERED that pending the hearing and determination of this application, or the expiration of ten (10) days from the date hereof, whichever shall first occur, Defendants, their agents, servants, employees, attorneys, successors and assigns and all persons, firms and corporations acting in concert or conspiracy with, or aiding and abetting Defendants or who have actual notice of this Order be and they hereby are preliminarily and temporarily restrained and enjoined from manufacturing, distributing and selling their infringing and imitation merchandise

and apparel bearing the name, logos, artwork and/or likeness of R. KELLY (hereinafter referred to as the "Bootleg Merchandise"), and its further,

ORDERED that Federal law enforcement officer(s) [such as a United States Marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office, for this District (if available to Plaintiff)] or State or local law enforcement officer(s) [either on duty or off duty] as defined by 15 U.S.C. § 1116(d)(9) as well as their agents, ~~and Plaintiff's Counsel, Armstrong Teasdale LLP and Cozen O'Connor, P.C.,~~ *get*

*and* TEG, Emmett Richardson (Tour Director) and/or their agents, employees or designees (hereinafter referred to as "Process Servers"), are hereby directed, authorized and requested, to seize and impound any and all such infringing and imitation Bootleg Merchandise as described hereinabove which any Defendants attempt to sell or are holding for sale, including the authority to enter into, upon probable cause, any carton, container, vessel, van, truck or automobile in which the said merchandise is carried or stored in and to seize said unauthorized Bootleg Merchandise and deliver same up to the care and custody of Counsel for Plaintiff, pending the further order of this Court; and further

Based upon the Declarations annexed to Plaintiff's Motion, the aforementioned Process Servers shall consider all posters, put-ons, pennants, lighters, buttons, trading cards, programs, illustrated and/or photographic books, games, etched and/or embossed wine and beverage bottles and decanters, t-shirts, jerseys, sweatshirts, hats, other apparel and any and all other items of merchandise bearing the name, logos, artwork and likeness of R. KELLY, or any colorable variations thereof, sold inside, outside or in the environs of the Fox Theatre in St. Louis, Missouri on March 10, 2006 (except those goods sold by Plaintiff or Plaintiff's authorized employees and/or agents), to be infringing articles subject to the provisions of this Order,

AND IT IS FURTHER ORDERED that this Temporary Restraining Order and Order of Seizure is hereby conditioned upon Plaintiffs filing with the Clerk of this Court no later than 5:00 p.m. on March 10, 2006, an undertaking in the form of a bond, certified cashier's, attorney's check or cash in the amount of Twenty-Five Hundred Dollars (\$2,500.00) to secure payment of such costs and damages as may be suffered or sustained by any party who may be wrongfully restrained hereby, and its further

ORDERED that service of a copy of this Temporary Restraining Order, Order for Seizure, and Order to Show Cause be made upon Defendants by the aforementioned Process Servers at the time that the seizure provided herein is effected, and it is further

ORDERED that each and every Defendant served with a copy of this Order promptly, courteously and peaceably identify himself, herself or itself to the aforementioned Process Servers, and it is further

ORDERED that any persons, who in any way interfere or fail to comply with the execution of this Order shall be subject to contempt proceedings before this Court, and it is further

ORDERED that Defendants shall appear at a hearing on the Order to Show Cause before this Court at the United States District Court, Eastern District of Missouri, 111 S. 10<sup>th</sup> Street, Saint Louis, Missouri on March 1, 2006 at 9:30 a.m. ~~4:00~~, Courtroom Number 161.

Dated: St. Louis, Missouri  
March 8, 2006

  
\_\_\_\_\_, U.S.D.J.

COPIES OF COMPLAINT AND OTHER FILINGS MAY BE OBTAINED FROM COUNSEL FOR PLAINTIFF, ARMSTRONG TEASDALE LLP, E. W. GENTRY SAYAD, ESQ. ONE METROPOLITAN SQUARE - SUITE 2600, ST. LOUIS, MISSOURI 63102 (TELEPHONE: 800-243-5070)